

SCHEDULES

SCHEDULE 1

GIVING OF FIXED PENALTY NOTICES BY VEHICLE EXAMINERS ETC.

Road Traffic Offenders Act 1988 (c. 53)

- 15 (1) Section 75 (issue of conditional offer) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Where in England and Wales—
- (a) a vehicle examiner has reason to believe that a fixed penalty offence has been committed, and
- (b) no fixed penalty notice in respect of the offence has been given under section 54 of this Act or fixed to a vehicle under section 62 of this Act,
- a notice under this section may be sent to the alleged offender by the Secretary of State.”
- (3) After subsection (3A) insert—
- “(3B) Where in Scotland a vehicle examiner—
- (a) on any occasion has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence, he may hand to that person,
- (b) in any case has reason to believe that a fixed penalty offence has been committed, he or another person authorised in that respect by the Secretary of State may send to the alleged offender,
- a notice under this section.”
- (4) In subsection (4), for “and (3)” substitute “to (3B)”.
- (5) In subsection (6), for “person issues a conditional offer” substitute “conditional offer is issued by a person under subsection (1), (2) or (3) above”.
- (6) In subsection (8), for—
- (a) “the fixed penalty clerk”, and
- (b) “that clerk”, in both places,
- substitute “the appropriate person”.
- (7) After subsection (11) insert—
- “(11A) In this section and sections 76 and 77 of this Act “the appropriate person” means—
- (a) where the conditional offer was issued under subsection (1), (2) or (3) above, the fixed penalty clerk, and

Status: This is the original version (as it was originally enacted).

- (b) where the conditional offer was issued under subsection (1A) or (3B) above, the Secretary of State.”